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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,866	09/25/2003	David W. Beckstrom	F-677	5796
7590	09/16/2005		EXAMINER	PURVIS, SUE A
			ART UNIT	PAPER NUMBER
			1734	
DATE MAILED: 09/16/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/670,866	BECKSTROM, DAVID W.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Sue A. Purvis	1734	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 30 June 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-7,9-17 and 19-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-5,9-17,19,20 and 23 is/are rejected.
- 7) Claim(s) 21,22 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Response to Amendment***

1. The indicated allowability of claims 8, 18-20, and 23 is withdrawn and as a result amended claims 1 and 15 are not considered allowable. Upon further review of the references cited, it became clear that a rejection that should have been made was not made. Apologies for prolonging the prosecution of this case. The oversight was unintentional.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2-5, 9, 14, and 15 rejected under 35 U.S.C. 103(a) as being unpatentable over Arnold et al. (US Patent No. 2,015,507) in view of Schmaling (US Patent No. 5,006,194).

Regarding claim 2, Arnold discloses an envelope sealing machine including a glue box or reservoir (43) for holding a fluid, a drum or applicator (38) mounted above the reservoir, and a ribbed periphery of the applicator which is a fluid transfer member (39), a portion of which being submerged in the fluid. The ribs can be defined as a plurality of pairs as set forth in claim 2. (See Figure 3; Page 2, column 1, lines 39-75 and column 2, lines 1-31.) Arnold also includes a presser roll (40) with a ribbed periphery positioned above the

Art Unit: 1734

fluid transfer member which presses the envelope flap into the transfer member such that contact is assured and fluid is transferred to the flap. (Page 2, lines 46-51.)

Arnold does not disclose a brush positioned above the transfer member as required by the claim.

Schmaling discloses an apparatus for moistening envelope flaps which includes a pivoting brush (16) positioned above a belt (26) which acts as a fluid transfer member. The envelope flap (14) is urged against the transfer member by the brush as shown in Figures 6, 9, and 11.

It would have been obvious to one having ordinary skill in the art at the time the invention was made that a brush, such as the one used in Schmaling, can be used in place of the presser roll (40) of Arnold, because the presser roll in Arnold is used to ensure contact between the envelope flap and the fluid transfer member, likewise a brush can be used to achieve the same objective as shown in Schmaling. The brush and the presser roll are functionally equivalent alternative expedients and it is within the purview of one of ordinary skill to use one in place of the other.

Regarding claims 3 and 4, the ribs in Arnold are annular around a cylindrical hub.

Regarding claim 5, the ends of the ribs effectively terminate at a "knife edge."

Regarding claims 9 and 15, the brush in Schmaling pivots and is appreciated that it would be combed by transfer member when there is no envelope placed between the two.

Regarding claim 14, the belts seen clearly in Figure 2 define the transport path.

4. Claims 10-13, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arnold in view of Schmaling as applied to claims 2 and 15 above, and further in view of O'Dea et al. (US Patent No. 5,007,371)

Arnold in view of Schmaling does not detail the drive means for the rotational transfer member and does not disclose a control means connected to the drive means for

Art Unit: 1734

determining a rotational rate. Arnold in view of Schmaling does not suggest changing the speed of the drive roller to vary the quantity of water delivered.

O'Dea suggests controlling the liquid supply using a control mechanism, such as microcomputer (205).

Regarding claims 10 and 16, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use a control means, such as a computer, to control the liquid supply, thus controlling the drive roller of the transfer member in Arnold in view of Schmaling, because as shown in O'Dea, such control schemes are known to be used in devices for moistening envelopes. Furthermore, controlling is known to be advantageous because it minimizes waste by applying a sufficient amount of liquid, but not too much.

Regarding claim 11, the device of Arnold in view of Schmaling and O'Dea is capable of basing the rotation of the transfer member and thus the liquid supply on either the rate the envelopes are fed or the size of the envelope, because the control system of O'Dea monitors both of those items.

Regarding claims 12 and 17, O'Dea includes a flap profile sensor which is environmental condition, because the profile of the envelope will change based on the size and shape of the envelope fed and the sensor is capable of being used by the control means in Arnold in view of Schmaling and O'Dea.

Regarding claim 13, the flap sensor measures the area of the flap to be moistened and is thus also capable as acting as a means for detecting the length of an envelope, which varies based on the flap and the moistening are.

5. Claims 19, 20, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arnold in view of Schmaling and O'Dea et al.

Regarding claim 19, Arnold discloses an envelope sealing machine including a transport means, a glue box or reservoir (43) for holding a fluid, a drum or applicator (38) mounted above the reservoir, and a ribbed periphery of the applicator which is a fluid transfer member (39), a portion of which being submerged in the fluid. The ribs can be defined as a plurality of pairs as set forth in claim 2. (See Figure 3; Page 2, column 1, lines 39-75 and column 2, lines 1-31.) Arnold also includes a presser roll (40) with a ribbed periphery positioned above the fluid transfer member which presses the envelope flap into the transfer member such that contact is assured and fluid is transferred to the flap. (Page 2, lines 46-51.) The fluid in Arnold is replenished as needed but no indication that this is done automatically. Additionally, Arnold does not disclose a pivoting brush or a control means for selecting the rotational rate.

Schmaling discloses an apparatus for moistening envelope flaps which includes a pivoting brush (16) positioned above a belt (26) which acts as a fluid transfer member. The envelope flap (14) is urged against the transfer member by the brush as shown in Figures 6, 9, and 11.

It would have been obvious to one having ordinary skill in the art at the time the invention was made that a brush, such as the one used in Schmaling, can be used in place of the presser roll (40) of Arnold, because the presser roll in Arnold is used to ensure contact between the envelope flap and the fluid transfer member, likewise a brush can be used to achieve the same objective as shown in Schmaling. The brush and the presser roll are functionally equivalent alternative expedients and it is within the purview of one of ordinary skill to use one in place of the other.

Furthermore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use a control means, such as a computer, to control the liquid supply, thus controlling the drive roller of the transfer member in Arnold in view of

Art Unit: 1734

Schmaling, because as shown in O'Dea, such control schemes are known to be used in devices for moistening envelopes. Furthermore, controlling is known to be advantageous because it minimizes waste by applying a sufficient amount of liquid, but not too much.

Regarding claim 21, the ends of the ribs effectively terminate at a "knife edge."

Regarding claim 23, fluid transfer member in Arnold is oriented transverse relative to a direction in which the envelope is transported as seen by Figure 1.

***Allowable Subject Matter***

6. Claims 6, 7, 21, and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sue A. Purvis whose telephone number is (571) 272-1236. The examiner can normally be reached on Monday through Friday 9am to 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher A. Fiorilla can be reached on (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Sue A. Purvis  
Primary Examiner  
Art Unit 1734

SP

September 13, 2005